

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 5, 2008

CALL TO ORDER/NOTING OF QUORUM

Vice Chairman Johnson called the meeting to order and noted the quorum and the attendance. Present were Commissioner Sturtz and Commissioner Guthrie. Also in attendance were Executive Secretary Choe and Major Poindexter.

Deb Scott of IABR, Nicole Upano, Marc Carmichael, and Jim Purucker were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the July 15, 2008 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Commissioner Guthrie moved to approve the parties agreed disposition forms that were submitted for the August 5, 2008 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Six hundred seventy-nine (679) renewals approved, eighty-four (84) new and/or transfer permits approved, twelve (12) permits approved for catering, four (4) permits approved for first year escrow, three (3) permits approved for second year escrow, one (1) permit approved for third year escrow, one (1) permit approved for fourth year escrow and one (1) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Guthrie moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR61-21872 PHILBAR, INC. – Vice Chairman Johnson noted the permittee requests the Commission convert this type 209 permit to a type 210 permit, because the location was annexed into the city limits.

Commissioner Guthrie moved to approve the conversion. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RC45-07332 YUCHE COUNTRY CLUB, INC. – Vice Chairman Johnson noted the permittee requests the Commission convert this type 211-3 permit to a type 211-1 permit, because the location was annexed into the city limits.

Commissioner Guthrie moved to approve the conversion. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR42-23744 & RR43-23745 KATHERINE RENE THOMAS – Vice Chairman Johnson noted this is a new type 103 application and a new type 210-1 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permits. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL42-23260 KATHERINE RENE THOMAS – Vice Chairman Johnson noted this is a type 217 transfer of location with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR04-05095 LYNN POOL & BRANDY HERNANDEZ – Vice Chairman Johnson noted this is a type 210 transfer of ownership with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie stated new information regarding this permittee surfaced after the local board meeting. The permittee is being sued in a wrongful death dram shop action.

Commissioner Guthrie moved to remand this application to the local board for reinvestigation. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-10068 EMMA BRONER, D/B/A RITZ LOUNGE – Vice Chairman Johnson noted this is a type 210 renewal application with the local board voting three (3) to one (1) to approve for one year.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

PERMITS MADE INACTIVE – Commissioner Guthrie moved to make ten (10) permits inactive. All ten (10) permits are not subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR28-02579 DAVID R. SAYERS – Commissioner Guthrie stated this permit is currently inactive. The permittee requests the permit be reactivated.

Commissioner Guthrie moved to reactivate this permit under the following conditions: permittee must clear all pending violations with the prosecutor; and, file all renewals and pay all fees to the Commission. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

OLIVER WINERY OFF SITE WAREHOUSE FACILITY – Executive Secretary Choe stated this has already been taken care and all parties notified.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2008.

DAVE HEATH, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER